

REMARKS/ARGUMENTS

A. GENERALLY

Claims 1-48 remain in this application. Claims 1 and 23 have been amended. Claims 45-48 have been added.

No new matter has been added by the amendments made herein.

B. CLAIM REJECTIONS

CLAIM REJECTIONS - 35 U.S.C §102(e)

Claims 1 and 23 have been rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,195,366 to Kayashima et al. (herein, "Kayashima"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131 8th Ed. (Rev. 1). In order for a patent claim to be anticipated, the prior art reference must teach or suggest each and every limitation of the claimed invention.

Additionally, when applying a reference to the pending claims of an application, the pending claims must be "given their broadest reasonable interpretation consistent with the specification" *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). In *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997), the court held that the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification." The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). (See, MPEP §2111 (8th Ed., Rev. 1); emphasis added by underlining).

Claim 1 of the present application as examined recited the following limitations:

- invoking a client environment hosted on a client machine;
- registering the client environment with a discovery machine coupled to the client machine by a network;
- registering a server machine coupled to the network with the discovery machine;

registering a host environment of the client environment on the server machine with the discovery machine upon an indication that the server machine has a communication for the client environment;

establishing a direct link between the client machine and the server machine; and
delivering the communication from the server machine to the client machine.

The examiner determined that Kayashima recited each of the limitations of claim 1 (as examined).

Kayashima describes a method of conducting a connectionless communication in a network communication system including a client, a server, and a plurality of proxy servers which are disposed on a transmission path between the client and server. According to Kayashima, a connectionless communication can be conducted after port information is exchanged among the participants in the connection path. The port information is exchanged over connection-based communications. The connectionless communication is conducted between the client and server through the proxy server/firewall ports identified in the connection-based exchanges.

Kayashima does not teach or describe determining whether a client machine is on-line before sending the connection data. Applicant has amended independent claims 1 and 23 to include additional limitations directed to determining whether a client machine is on-line, and establishing a direct link between the client machine and the server machine if the client machine is on-line and delivering the communication from the server machine to the client machine via the direct link.

Applicant submits that claims 1 and 23 (as amended) are not anticipated by Kayashima.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2-16, 19-22, 24-38, 41-44 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kayashima et al. in view of U.S. Patent 5,586,260. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP §2143.03 (8th Ed. Rev. 2). Further, “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references

themselves or in the knowledge generally available to one of ordinary skill in the art.” MPEP §2143.01, (8th Ed. Rev.3).

It is also well established that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). MPEP §2143.01, 8th Ed. (Rev. 2, 2004). If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). MPEP §2143.01, 8th Ed. (Rev. 2, 2004).

Kayashima teaches a process by which proxy server/firewalls exchange information with a client and with each other so as allow a connectionless communication to be established between a client and server. The proxy servers pass information to the client and the server but are not otherwise active participants in the communication process. In Hu, a proxy server is called from a client system. Following mutual authentication of the proxy server and the client system, the proxy server calls the server and impersonates the client, while conforming with the security mechanism of the server. This allows the client to communicate with the server without conforming directly with the server security mechanism.

Applicant submits that there is no motivation to combine Hu with Kayashima because the combination would change the principle of operation of Kayashima. Kayashima is directed to establishing a connectionless communication to facilitate the communication of files that do not require assurance of delivery. The proxy servers of Kayashima do not impersonate the client and are not described as conforming the server security mechanism. To require the multiple proxy servers of Kayashima to impersonate a client changes the principle of operation of Kayashima.

Applicant has amended independent claims 1 and 23 to recite new limitations directed to determining whether a client machine is on-line that are not taught by Kayashima. While the examiner found that Hu discloses an event handler that manages an authentication and verification process, Hu does not teach or disclose determining whether a client machine is on-line before sending the connection data. Claims 2-22 depended directly or indirectly from claim 1. Claims 24-44 depend directly or indirectly from claim 23. Thus, these dependent claims as

amended recite limitations that are not taught by Kayashima and Hu. For these reasons, claims 2-22 and claims 24-44 are allowable over the cited prior art.

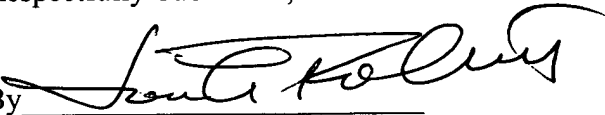
C. ALLOWABLE SUBJECT MATTER

Claims 17-18 and 39-40 were objected to as being dependent upon rejected base claims. The examiner further determined that these claims would be allowable if rewritten in independent form. While Applicant has demonstrated that the based claims (as amended) are allowable over the cited prior art, Applicant has introduced new claims 45-48 that incorporate the limitations of the base claims and intervening dependent claims as suggested by the examiner. Applicant respectfully submits that claims 45-48 are allowable over the cited prior art.

D. CONCLUSIONS

Applicant respectfully requests reconsideration of the current objections and rejections. In view of the responses and remarks made above, Applicant further requests issuance of a timely Notice of Allowance in this case. Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, Applicant respectfully requests a telephone interview. Please contact Jon Roberts at the number listed below.

Respectfully Submitted,

By 

Jon L. Roberts, Esq.
Registration No. 31,293
Elliott D. Light, Esq.
Registration No. 51,948
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191
703-391-2900